

APPROVED

BOARD OF DENTISTRY

MINUTES

SPECIAL CONFERENCE COMMITTEE "B" MEETING

TIME AND PLACE: Special Conference Committee "B" reconvened on September 7, 2007, at 4:38 p.m., at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Richmond, Virginia.

PRESIDING: Edward P. Snyder, D.D.S.

MEMBERS PRESENT: Jacqueline G. Pace, R.D.H.

MEMBERS ABSENT: Jeffrey Levin, D.D.S.

STAFF PRESENT: Alan Heaberlin, Deputy Director
Cheri Emma-Leigh, Operations Manager
Gail W. Ross, Adjudication Specialist

QUORUM: With two members present, a quorum was established.

**Michael Gwaltney,
D.D.S.
Case No. 112538** The Committee reconvened in the matter of Michael Gwaltney, D.D.S. to deliberate for the purpose of reaching a decision regarding his reinstatement application. Dr. Gwaltney was not present.

Closed Meeting: Ms. Pace moved that the Committee convene a closed meeting pursuant to § 2.2-3711(A)(28) of the Code of Virginia to deliberate for the purpose of reaching a decision in the matter of Michael Gwaltney, D.D.S.. Additionally, Ms. Pace moved that Board staff, Alan Heaberlin, and Cheri Emma-Leigh, and Administrative Proceedings Division staff, Gail Ross, attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its deliberations. The motion was seconded and passed.

Reconvene: Ms. Pace moved to certify that only matters lawfully exempted from open meeting requirements under Virginia law were discussed in the closed meeting and only matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Committee. The motion was seconded and passed.

The Committee reconvened in open session pursuant to § 2.2-3712(D) of the Code.

Decision:

The following Findings of Fact and Conclusions of Law were adopted by the Committee:

1. Dr. Gwaltney's license to practice dentistry was indefinitely suspended by Consent Order entered by the Board on March 3, 2003.
2. Dr. Gwaltney violated § 54.1-2706(3) of the Code, in that, he admitted that in or about 2005/2006, he diverted Lorcet from a family member for his personal use, and obtained Xanax and Ativan and other controlled substances by prescription. Further, in or about 2005/2006, he used ecstasy, cocaine, and other mood altering substances, including alcohol.
3. Dr. Gwaltney violated §54.1-2706(9) of the Code and 18 VAC 60-20-20.C(3) of the Regulations, in that he is incompetent to practice dentistry with safety to his patients and the public, having not engaged in the practice of dentistry since October 2002.
4. Dr. Gwaltney violated § 54.1-2706(9) of the Code, and 18 VAC 60-20-20.C(3) of the Regulations, in that, he submitted one hundred sixty-six (166) continuing education hours, which failed to demonstrate continuing competency. Specifically:
 - a. One hundred fifty two (152) hours were Internet self-study, of which one hundred forty-five (145) hours were earned in a 10 day period;
 - b. Only fourteen (14) hours were classroom-based instruction, which did not include a clinical component, and;
 - c. No documentation of training with a clinical component was provided.
5. Dr. Gwaltney has not received treatment from an accredited/certified substance abuse program;

however, in or about April 2006, he started receiving supportive services, including housing and Christian counseling from a local outreach center, and he reported that he has abstained from drugs and alcohol since April 26, 2006.

6. Dr. Gwaltney stated to the Committee that he understands that he can be required to undergo an evaluation and/or be subject to certain terms prior to having his dental license reinstated, and that he is amenable to any and all recommendations that could be imposed by the Board.

The sanctions reported by Dr. Snyder were that Dr. Gwaltney undergo a comprehensive substance abuse evaluation by Virginia Health Practitioners' Intervention Program ("HPIP"), complete seven (7) continuing education hours in diagnosis and treatment planning, complete a clinical course in restorative dentistry, utilizing an anatomical model, take and pass a regional examination, and pass the Board's dental law examination. Upon completion of these sanctions, the Committee will meet to make a determination regarding Dr. Gwaltney's Reinstatement Application.

Ms. Pace moved to adopt the Findings of Fact, Conclusions of Law, and the sanctions imposed and issuing an Order stating such. The motion was seconded and passed.

As provided by law, this decision shall become a Final Order thirty days after service of such on Dr. Gwaltney unless a written request to the Board for a formal hearing on the allegations made against him is received from Dr. Gwaltney. If service of the Order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the decision of this Committee shall be vacated.

ADJOURNMENT:

With all business concluded, the Committee adjourned at 5:05 p.m.

**Virginia Board of Dentistry
Special Conference Committee “B”
September 7, 2007**

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Edward P. Snyder, Chair

Sandra K. Reen, Executive Director

Date

Date